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OFFICE OF PETITIONS

In re Application of	:
Koehring, Russell, and Crafton	:
Application No. 09/836,347	:
Filed: 18 April, 2001	:
Attorney Docket No. N1239-008	:

: DECISION ACCORDING STATUS

This is a decision on the renewed petition filed on 1 February, 2002, under 37 CFR 1.47(a) and 1.48, which is being treated as (1) a petition under 37 CFR 1.48(a) to amend the inventive entity by the addition of Steven S. Crafton (Crafton) and W. Ken Russell (Russell), (2) a petition under 37 CFR 1.183, requesting waiver of 37 CFR 1.48(a)(2) which requires a statement from a person being added (Russell), (3) a petition under 37 CFR 1.183, requesting waiver of 37 CFR 1.63 and 1.67, which require that a named inventor execute a supplemental declaration, and 4) as authorized by 37 CFR 1.48(a)(3), a petition under 37 CFR 1.47(a) to accept the declaration filed 6 November, 2001, which lacks the signature of Russell.

The petition is granted.

Petitioners have shown that a letter sent to the last known address of non-signing joint inventor Russell was returned as undeliverable by the U.S. Postal Service. Additionally, petitioners have presented a letter from joint inventor Russell's attorney, Barry A. Russell, stating joint inventor Russell's refusal to sign "any patent documents or filings relating to" the present application. As such, petitioners have shown that joint inventor Russell could not be reached to sign a declaration under 37 CFR 1.63 naming him as a joint inventor along with joint inventors William A. Koehring and Steven S. Crafton or the statement of lack of deceptive intent required by 37 CFR 1.48.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

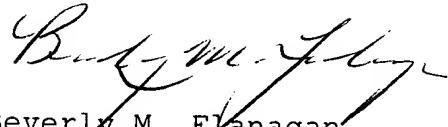
Additionally, as a result of papers filed on 21 and 22 January and 7 February, 2002, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and, accordingly, this application has been corrected in compliance with 37 CFR 1.48(a)(2). The inventorship of this application has been changed by the addition of W. Ken Russell, Lincoln, Nebraska, and Steven S. Crafton, Westfield, Indiana.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected. Thereafter, the application will be forwarded to Technology Center 1600 for examination in due course.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Douglas I. Wood at (703)308-6918.



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